

Serial No. 10/038,971 (KC 17,697)
Reply to Office Action mailed 09/09/2003

Remarks

The specification and claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. Claims 5 and 9-37 have been canceled. It is respectfully submitted that no new matter has been added. The amendments are clearly supported by the original disclosure, particularly at page 6, lines 30-34. Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The Examiner has required an election of a single disclosed species for prosecution on the merits if no generic claim is finally held to be allowable. Applicants' provisionally elect the species of Figures 19-20 in the event that no generic claim is deemed allowable. The restriction requirement is respectfully traversed.

The Examiner has objected to the drawings. The objection is respectfully traversed. It is pointed out that item "F" is set forth and identified in original FIG. 7.

The Examiner has objected to the description. In view of the amendments to the description, it is respectfully submitted that the objections have been obviated.

The Examiner has objected to claims 1-37. In view of the amendments to the claims, it is respectfully submitted that the objections have been obviated.

The present invention provides an absorbent article, such as a labial pad, configured for disposition within the vestibule (42) of a female wearer. The labial pad may be worn by females for catamenial purposes, incontinence protection or both. The absorbent article includes an absorbent, and the absorbent has a length, a width and an upper surface. The upper surface of the absorbent has a surface area, and in a particular aspect, the surface area of the upper surface of the absorbent can be no less than about 700 mm², and no greater than about 1,700 mm². Further aspects of the invention are set forth in the specification and claims. The configurations of the article of the invention can demonstrate an improved efficacy at maintaining a desired disposition with the vestibule. The article can provide better coverage of the vestibule and can provide enhanced comfort to the wearer.

As understood by Applicants, claims 1-37 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over, WO 98/57610 by Procter & Gamble (hereinafter, PCT '610). The rejection is respectfully traversed.

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PCT '610 discloses an absorbent interlabial device worn by female wearers for catamenial purposes, incontinence protection, or both. The absorbent interlabial device includes a liquid pervious topsheet, a liquid impervious backsheet, and an absorbent core positioned between the two. The length of the device is between about 60 mm and about 130 mm. The width is between about 25 mm and about 50 mm. The device has an axis of preferred bending along its longitudinal centerline. When folded along the axis and inserted into the wearer's interlabial space, the topsheet maintains contact with the walls of the wearer's labia. A method of using a system of feminine hygiene products is also disclosed.

PCT '610, however, does not disclose or suggest an absorbent article having, in combination, an absorbent length of no greater than about 50 mm; an absorbent width of no greater than about 40 mm; and an upper surface area of no less than about 700 mm²; and no greater than about 1,700 mm². As a result, when compared to Applicants' claimed invention, the structures taught by PCT '610 would be less able to maintain a desired fit and position that is more completely within the vestibule of the female wearer. The configurations called for by the claimed invention can be better retained in place by the labia majora, and can be more readily used in combination with other feminine care products. It is, therefore, readily apparent that PCT '610 does not teach Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of Applicants' presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

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